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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,741	12/02/2003	Lynne Tauchen	JET-P001	3073

27268 7590 04/17/2007  
BAKER & DANIELS LLP  
300 NORTH MERIDIAN STREET  
SUITE 2700  
INDIANAPOLIS, IN 46204

EXAMINER
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BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/725,741

Applicant(s)

TAUCHEN, LYNNE

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-20, 30-37 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 17-20 and 51 is/are allowed.
- 6) ☒ Claim(s) 30-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The amendment after final rejection filed on 3/28/2007 has been entered.

After further reconsideration of the final rejection mailed on 11/30/2006, the Examiner is hereby withdrawn that final rejection in favor of the instant final rejection with respect to the claims filed on 3/28/2007.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 30 and 33-35 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Cowen (3,963,103) in view of Paul et al. (6,138,881; hereinafter Paul'881) and Racca (6,182,878). Cowen discloses the bag (10) comprising a front wall (27), a rear wall (31) positioned in spaced relation to the front wall to define an accessory compartment having a first side and a second side (22, 24), a racquet compartment (11) coupled to at least one of the front wall and the rear wall and a carrying strap (34) coupled to the accessory compartment. The racquet compartment comprises a truncated top, a bottom, opposing first and second sides and the racquet compartment configured to conform to the shape of a racquet head. Cowen also discloses the other claimed limitations except for the first and second sides of the accessory compartment meeting at an apex, the racquet compartment comprises a generally truncated egg-shaped cross-section defined by the first and second sides and a phone holder having a rear

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surface and a storage pocket coupled to the rear surface and the phone holder being releasably coupled to the carrying strap.

Paul'881 teaches a bag (10, 12) comprising a front wall (16) and a rear wall (18) positioned in spaced relation to the front wall to define a compartment having a first side (20) and a second side (20) meeting at an apex (44, column 4, line 5) and the bag having a generally egg-shaped cross-section. Racca shows a bag (50) having a strap (42) and a phone holder (10) releasably coupled to the strap (Figure 5) by a retaining flap (22) with a releasable securing member (24).

The phone holder having a rear surface (20) and a storage pocket (16, 18, 22, 30, 32) coupled to the rear surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Paul'881 and Racca to modify the bag of Cowen so the first and second sides meeting at an apex and the racquet compartment having a generally truncated egg-shaped cross-section as taught by Paul'881 for carrying more items and to conform with the shape of the racquet and the bag includes a phone holder releasably coupled to the strap as taught by Racca to facilitate carrying a phone.

As to claim 35, Racca shows the phone holder formed from a mesh material (column 3, line 49).

3. Claims 31 and 32 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 30 above, and further in view of Neading (5,450,991). The bag of Cowen as modified comprises the phone holder includes the retaining flap with the releasable securing member for securing the phone holder around the strap. However, the phone holder of Cowen as modified fails to show an opposite first and second retaining flaps with a

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releasable securing members configured to releasably secure the first retaining flap to the second retaining flap in overlapping relation around the strap.

Neading teaches an opposite first and second retaining flaps (22, 24) with a releasable securing members (26) configured to releasably secure the first retaining flap to the second retaining flap in overlapping relation around an article. It would have been obvious to one having ordinary skill in the art in view of Neading to modify the retaining flap of Cowen as modified so the retaining flap comprises an opposite first and second retaining flaps with a releasable securing members configured to releasably secure the first retaining flap to the second retaining flap in overlapping relation around the strap for better securing the phone holder around the strap.

4. Claims 36 and 37 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 30 above, and further in view of Paice et al. (6,000,103; hereinafter Paice'103). The phone holder of Cowen as modified further fails to show a clip being coupled to the phone holder and a ring being coupled to the clip and a lanyard being coupled to the ring. Paice'103 shows a holder having a clip (50) coupled to the holder, a ring (52) coupled to the clip and a lanyard (54, 60) coupled to the ring. It would have been obvious to one having ordinary skill in the art in view of Paice'103 to modify the phone holder of Cowen as modified so it includes a clip coupled to the phone holder and a ring coupled to the clip and a lanyard coupled to the ring to facilitate holding the phone holder.

***Allowable Subject Matter***

5. Claims 1-15, 17-20 and 51 are allowed.

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***Response to Arguments***

Applicant's arguments with respect to 10/4/2006 and 3/28/2007 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb  
April 15, 2007



Luan K. Bui  
Primary Examiner  
Art Unit 3728